

2021 Trafficking in Persons Report: Maldives

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

Maldives: Tier 2 Watch List

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Maldives was upgraded to Tier 2. These efforts included opening two investigations into cases allegedly involving government officials in trafficking or trafficking-related corruption; establishing the Office of Anti-Human Trafficking (ATO) headed by a Director in the Ministry of Defense (MOD); dedicating funding for the office and the national action plan (NAP) in the official budget for the first time; passing amendments to the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol through all necessary parliamentary committees in preparation for a final vote; completing construction of a trafficking victims shelter; elevating the human trafficking unit in the Maldives Police Service (MPS) to an anti trafficking department; holding its first ever social media awareness campaign on International Migrant's Day to raise awareness on human trafficking; and drafting several standard operating procedures (SOPs) for victim identification, shelter operations, and referral to victim services. However, the government did not meet the minimum standards in several key areas. Despite continued reports of trafficking indicators among migrant workers, including non payment of wages and passport retention, the government identified only two victims during the reporting period. The government arrested some possible victims without screening them for trafficking indicators and at the close of the reporting period they remained in detention, despite NGOs calling for their identification as victims and subsequent release. The government did not hold employers or recruitment agencies accountable, by filing any charges against them despite sustained reports of labor violations. The government continued to erroneously consider

trafficking as a crime only involving migrant workers and failed to properly investigate or charge cases involving Maldivian nationals.

PRIORITIZED RECOMMENDATIONS:

Respecting due process, significantly increase investigations, prosecutions, and convictions for all forms of trafficking, including official complicity in trafficking-related crimes. • Significantly increase oversight of labor recruitment agencies and employers and refer trafficking indicators, such as non-payment of wages and passport retention, to police for criminal investigation. • Amend the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol. • Significantly increase efforts to identify victims, and formally adopt and train officials on SOPs for proactive trafficking victim identification and referral to services. • Increase training for front-line officials on differentiating sex trafficking from sexual abuse, and train immigration officials and social service providers to identify and refer suspected trafficking cases to police. • Increase training for law enforcement and judges on investigation of trafficking crimes and application of the anti-trafficking law. • Allocate resources for proactive monitoring of resorts and guest homes for labor violations and child exploitation. • Open a trafficking victim shelter, establish consistent protection services, including psycho-social support, and provide interpretation for foreign victims. • Finalize, adopt, implement, and train officials on the SOPs for shelter operations and victim services. • Continue to increase public awareness of human trafficking—especially among migrant workers—through widespread media campaigns. • Re-establish regular anti-trafficking training for diplomats.

PROSECUTION

The government increased anti-trafficking law enforcement efforts; it reported investigations into corrupt and allegedly complicit officials, but decreased overall trafficking investigations, prosecutions, and convictions. The PHTA criminalized some, but not all, forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, the PHTA required transportation of a victim in order to constitute a

trafficking offense. The law criminalized child sex trafficking but did not make clear if forced prostitution of adults was considered a form of trafficking. Article 16 criminalized debt bondage without reference to transportation. The PHTA prescribed penalties of up to 10 years' imprisonment for trafficking offenses involving an adult victim and up to 15 years' imprisonment for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government finalized amendments to the PHTA to bring it in line with the Palermo Protocol. These amendments passed all necessary parliamentary committees and was pending a final vote before the entire parliament at the end of the reporting period.

The government investigated two trafficking cases involving seven individuals but did not initiate any new prosecutions or convict any traffickers during the reporting period. This compared with investigating two trafficking cases and 27 potential labor trafficking cases, prosecuting one case, and convicting two traffickers during the previous reporting period. The fall in numbers was due in large part to the government's need to reallocate a significant amount of financial and human resources away from nearly all aspects of its operations to focus on the pandemic. While MPS continued to investigate 27 recruitment agencies from the previous reporting period, it reported that it did not identify any trafficking victims from the cases. The Prosecutor General's Office (PGO) continued to prosecute four cases from previous reporting periods. Two prosecutions—one possible labor trafficking case from 2016 and one possible sex trafficking case from 2017—ended in acquittals for the alleged traffickers due to insufficient evidence, although the PGO appealed the acquittal in the 2017 case to the Maldives High Court, which remained ongoing at the end of the reporting period. The Ministry of Gender, Family, and Social Services (MOGFSS) did not identify any child sex trafficking cases during the reporting period. MPS reported investigating 291 incidents of child commercial sexual exploitation in 2020, and sending PGO 115 of these cases for prosecution; however, it did not report identifying any of these cases as trafficking. The government ordered a national lockdown, during which all government offices were closed, from April through July 2020. Following the end of the lockdown, courts remained closed to in-person sessions for the remainder of the reporting

period. Additionally, the government diverted police officers from their regular duties to enforce the lockdown and move migrant workers from their typical congested living quarters to government provided shelter. To adapt to pandemic-related restrictions, MPS introduced special investigative guidelines that included virtual meetings with witnesses and established an online portal for MPS to submit cases to PGO electronically. Courts also began to hold limited virtual trial hearings. As the new procedures required implementation of new technological solutions, the government reported the lockdown affected the ability of law enforcement to report and investigate cases and delayed the prosecution of all criminal cases.

The government took steps to investigate select reports of trafficking-related corruption, though corruption and official complicity in trafficking crimes remained significant concerns. The government did not report any prosecutions or convictions of government employees complicit in human trafficking crimes. In July 2020, MPS announced an investigation into a local construction company of which a member of parliament was managing director, following a violent protest staged by approximately 200 foreign migrant worker employees who had not received salaries, some for more than six months. MPS referred the case to the PGO in December 2020. Previously, the Controller of Immigration alleged the former government had illegally issued quotas relating to the number of migrant workers allowed, which in turn facilitated fraudulent recruitment and human trafficking, and the Minister of Economic Development (MED) similarly alleged in public remarks that Maldivian recruiters bribed senior officials in exchange for larger quotas to bring in more migrant workers. During the reporting period, MPS and the Anti-Corruption Commission (ACC) investigated two former and two current immigration officials over alleged complicity in the case. The investigation was ongoing at the end of the reporting period. Civil society alleged labor inspectors accepted bribes to not report labor violations. Private employers held foreign employees' passports. Observers assessed that some traffickers operated with impunity due to connections with influential Maldivians. Observers reported some officials warned businesses in advance of planned raids to investigate labor violations.

During the reporting period, the MPS-Human Trafficking Unit (MPS-HTU) was elevated to create a department solely dedicated to the investigation of trafficking cases. MPS designed the department with additional staff and two units – one focused on the investigation of cases and one focused on training and awareness-raising programs. However, pandemic-related challenges and broader restructuring within the MPS delayed the hiring of additional staff and the creation of these units. Immigration continued to implement a mandatory trafficking training for new recruits, and MPS-HTU reported all of its current officers had previously received trafficking-specific training. Despite these trainings, officials continued to conflate human trafficking with smuggling, and government efforts focused primarily on transnational labor trafficking to the possible detriment of sex trafficking. Government officials acknowledged the need for increased training on identifying and investigating trafficking cases, especially among MED, MPS, and Labor Relations Authority (LRA) personnel. Some officials stated the country’s trafficking problem involved primarily Bangladeshi migrant workers and therefore the trafficking problem had diminished following the return home of the majority of the workers due to the pandemic. Civil society reported law enforcement and judges’ lack of awareness and training on the PHTA likely contributed to the dearth of successful prosecutions. MPS, in partnership with an international organization, maintained a trafficking case management system that allowed potential victims to submit cases to the police online; however, it was only available in English, which limited its utility. Authorities recognized the lack of cooperation with source-country governments as an obstacle to investigating cases with foreign victims or perpetrators; they made some efforts to work with other governments during the reporting period. The absence of dedicated foreign language interpreters for victims and witnesses among law enforcement and social service providers continued to hamper law enforcement and victim protection efforts.

PROTECTION

The government made mixed protection efforts; it identified fewer trafficking victims and may have arrested and detained unidentified victims but worked to draft long-stalled SOPs on victim identification, protection, and reintegration and shelter operation and victim

services. Due to the pandemic, the government reported a temporary suspension of proactive victim identification screening procedures. Officials identified two Bangladeshi labor trafficking victims—compared with one sex trafficking victim and five potential labor trafficking victims in the previous reporting period. The two identified victims were part of more than 200 expatriate workers at a resort who protested their employer’s failure to pay six months of salary. NGOs reported concerns that the government was unable to identify any additional migrant workers who participated in the protest as trafficking victims, arguing that there was sufficient cause to classify them as victims given their employer had confiscated their passports, they had not received salaries for an extended period of time, and most of them did not have a valid work visa. The MOGFSS did not identify any child trafficking victims, compared with identification of six child sex trafficking victims and 15 potential child labor trafficking victims the previous reporting period. The government did not have standard procedures to identify trafficking victims or refer them to care. It did not formally adopt the SOPs for victim identification, protection, and referral that the National Anti-Human Trafficking Steering Committee (NAHTSC) had finalized in 2016. Although MPS had disseminated the SOPs to its officers in the past, government agencies did not uniformly employ them. During the reporting period, the NAHTSC drafted victim support and shelter guidelines, which established key principles on which officials created two overarching sets of SOPs on victim identification, protection, and reintegration; and on shelter operations and provision of victim services. The guidelines also outlined a formal referral system. At the end of the reporting period, the NAHTSC solicited stakeholder comments but had yet to finalize, adopt, and publish the SOPs. While all agencies could screen for trafficking, only MPS-HTU could officially declare an individual a trafficking victim. MPS and social service providers did not have a clear understanding of the differences between sex trafficking and sexual abuse, especially in cases of children; this made the true number of sex trafficking victims unknown.

The government completed construction of a shelter for trafficking victims, but was waiting to open the shelter following the finalization, adoption, and publishing of the victim support and shelter guidelines, which remained pending at the end of the reporting period. An NGO working with the government on the establishment of the shelter stated that the main

challenges to finalizing these guidelines were pandemic-related restrictions and the human and financial resource constraints prompted by the government's pandemic response. Victims were entitled to services, including counseling, interpretation, and police protection; however, in practice, the government did not always provide these services. From July through their repatriation to Bangladesh in December 2020, the government provided the two identified victims shelter at a local guesthouse, food, medical services, and psychosocial support. Article 32 of the PHTA provided a 90-day reflection period during which victims could receive services while deciding whether to assist authorities in a criminal case. PGO could only provide a victim support officer to trafficking victims if their cases went to prosecution. The judiciary could provide protections for child trafficking victims who participated in trials against their alleged traffickers.

MED continued its re-registration and regularization program initiated in September 2019, which aimed to legalize undocumented foreign migrant workers and repatriate both documented and undocumented workers wishing to return to their home country. MED completed the registration of more than 41,000 migrant workers as of February 2021 and between March 2020 and February 2021, the government repatriated more than 16,000 (8,775 undocumented and 8,000 documented) foreign migrant workers. NGOs reported concerns the government did not screen any of these workers for human trafficking indicators. The government reported limited screening took place due to resource constraints and the large increase in repatriation requests due to the pandemic. There were reports the government penalized potential labor and sex trafficking victims. NGOs reported MPS arrested 19 of the approximately 200 foreign migrant workers who participated in the protest at a resort construction site and began to investigate them on suspicion of property damage. NGOs called for the workers to be identified as trafficking victims and released from custody. MPS reported they screened the workers for signs of trafficking but did not identify them as victims. At the end of the reporting period, the 19 workers remained in immigration detention awaiting deportation or criminal charges. While the government screened for physical confinement before arresting foreign women in commercial sex, it did not adequately screen for fraud or coercion. Foreign trafficking victims could receive a special visa allowing them to remain in Maldives and work during the investigation and

prosecution, which both identified victims received. The PHTA permitted the deportation of identified victims who had voluntarily entered Maldives illegally.

PREVENTION

The government increased anti-trafficking prevention efforts. The NAHTSC, composed of senior government officials, remained the lead interagency body responsible for coordinating the government's efforts to combat human trafficking. The NAHTSC focused on five key areas of the Anti-Human Trafficking National Action Plan during the reporting period to adapt to reduced resources due to the government's focus on fighting the pandemic. This included drafting an amendment to the Anti-Human Trafficking Act to align the definition of human trafficking with the 2000 UN TIP Protocol; the establishment of the trafficking shelter; establishment of an Office of Anti-Human Trafficking (ATO); completing a draft of the victim support and shelter guidelines; and conducting an awareness campaign. In July 2019, the government transferred the trafficking portfolio from MED to the Ministry of Defense (MOD). In August 2020, the president created a new director of anti-human trafficking position within MOD to serve as the chair of the NAHTSC and in December 2020, the government announced that the director would also lead the new ATO. ATO's mandate was to coordinate the implementation of the 2020-2022 NAP. In February 2021, the new director reported that MOD had allocated office space for the ATO and had hired two staff, one for policy and outreach and the other for administration and budget. The 2021 State Budget allocated 1.99 million Maldivian rufiyaa (\$129,050) to fund the work of the ATO and the implementation of the NAP, despite a significant decline in government revenue. This was the first time the government allocated funds specifically for the NAP under a State Budget. The NAHTSC delayed a baseline study to collect data throughout the country's atolls to inform anti-trafficking priorities for 2021, due to pandemic-related travel restrictions. During the reporting period, the government re-assigned the dedicated trafficking hotline from MED's portfolio to MOD. MOD attempted to incorporate the hotline into an existing call center operated by Immigration; however, the hotline became inoperable, due to both logistical challenges and resource constraints related to the pandemic. The hotline did not receive any calls prior to its transfer to MOD. Civil society

reported the lack of Bengali speaking hotline operators could have been a barrier to the large number of suspected Bangladeshi trafficking victims. Due to the pandemic, authorities provided visa relief to foreigners by allowing those who wished to stay in Maldives the opportunity to extend their visas without any fine or penalties.

In September 2019 the government created a special task force distinct from the NAHTSC to address migrant workers' issues, including human trafficking and illegal employment. During the reporting period Immigration revised its expatriate regulations and developed a new quota issuance policy for visas, creating a ceiling on the maximum number of foreign workers (100,000) that can enter Maldives from any single country and including provisions for prioritizing Maldivians for employment. The quota was intended to limit the number of migrant workers coming from any one country and to help the government better track the migrants. The policy outlined procedures for worker recruitment and employers providing accommodation for workers, among other policies related to recruitment. In February 2021, the foreign minister signed a memorandum of understanding (MOU) with Bangladesh on human resource placement. The government also proposed an additional MOU regarding Bangladeshi migrant workers in the Maldives, but for the third year a draft MOU on human trafficking between the Maldivian and Bangladeshi governments awaited finalization by Maldivian officials at the end of the reporting period.

LRA had the authority to inspect all worksites, including private homes, and it carried out approximately 70 inspections in 2020, compared with 200 in 2019. The government reported pandemic-related travel restrictions delayed inspections during the year. LRA did not report any cases of forced child labor or child commercial sexual exploitation during the reporting period. LRA lacked the resources, staff, and training necessary to fulfill its mandate. LRA generally received numerous complaints of non-payment of wages and mediated such claims with the employer. If an employer did not agree to mediation, LRA could file a civil case in the labor tribunal to impose a fine. Officials and civil society, however, reported the government did not enforce settlements adjudicated by the tribunal, so employers often refused to pay fines without repercussions. Neither LRA nor the tribunal referred labor violations to police for criminal investigation. LRA could request to MED that it

blacklist foreign recruitment agencies with repeated or serious labor violations. MED did not always implement LRA's recommendations, and despite repeated recommendations from LRA to blacklist certain agencies, those agencies continued to operate. Immigration also inspected establishments that employed migrant workers and issued warnings to six establishments for lack of proper documentation, including invalid work visas. It did not report any further action against the establishments. LRA continued to use an online portal for island councils to report the number of individuals, including migrant workers, on each island, but some councils did not push businesses to register their employees with the portal because they did not want to expose the plethora of undocumented workers.

Civil society reported a continued lack of significant efforts to raise awareness of trafficking among the most vulnerable groups. Due to the pandemic, the NAHTSC canceled a media campaign to mark the World Day Against Trafficking in Persons in July 2020 and instead conducted an online public awareness campaign in December for International Migrant Day. The government issued campaign material targeting Maldivians and migrant workers through social media platforms in Bangla, Hindi, Sinhala, English, and Dhivehi. The government did not make efforts to reduce the demand for commercial sex acts or for child sex tourism. While anecdotal reports suggest that there have been cases of children being exploited for commercial sex acts or child sex tourism, there were no confirmed cases during the reporting period. The government previously reported increased concerns that traffickers could use resorts and guesthouses to facilitate child sex tourism, in part because no government agency had the authority or resources to monitor these establishments for such crimes. The government did not report any anti-trafficking training for diplomats during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Maldives, and traffickers exploit victims from Maldives abroad. Traffickers subject an unknown number of the approximately 169,000 documented and 65,000 undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and

service sectors—to practices indicative of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt-based coercion. Migrant workers pay approximately \$2,500 to \$4,000 in recruitment fees to work in Maldives, contributing to their risk of debt-based coercion upon arrival. In recent years, officials reported an increasing number of Bangladeshi workers fraudulently obtained 12-month work visas while only possessing the requirements for three month visas. In addition to Bangladeshis and Indians, some workers from Sri Lanka, Pakistan, and Nepal reportedly experience recruitment fraud before arriving in Maldives. Recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers. Civil society reported labor traffickers target Bangladeshi children who enter the country on work visas and falsified passports. Police reported an increase in Bangladeshi nationals living in Maldives who pose as labor agents and fraudulently recruit migrant workers from Bangladesh, facilitate their travel to Maldives, and abandon them upon arrival without documentation, rendering them vulnerable to traffickers. South Asian women may be victims of forced labor in domestic service in Maldives. Traffickers may have targeted migrant workers on fishing and cargo boats in Maldivian waters for forced labor. Traffickers use Maldivian children in forced criminality, including the transportation of drugs for criminal gangs. Sex traffickers exploit women and girls from Maldives and other South Asian countries and—to a lesser extent—women from Africa, Asia, and Eastern Europe in Maldives. Some impoverished parents act as traffickers, allowing sex traffickers to exploit their children in exchange for financial assistance. Some traffickers bring women from South Asia into Maldives under the guise of tourism and force them into commercial sex. Specifically, police reported an increase in traffickers bringing Bangladeshi women into Maldives on tourist visas and exploiting them in commercial sex. Some employers transport Maldivian children to the capital from other islands for domestic work, where employers sexually abuse some and others are vulnerable to labor traffickers. Traffickers may have exploited Maldivian women in sex trafficking in Sri Lanka. Traffickers have exploited Maldivian children in child sex tourism.